

**LEWIS
AND
ROCA**
LLP
LAWYERS

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
OBJECTION OF USACM TRUST TO
PROOF OF CLAIM OF ROSS DELLER
SR AS FILED PARTIALLY IN WRONG
DEBTOR'S CASE; OBJECTION OF
DTDF TO PROPOSED ALLOWANCE
OF CLAIM**

Hearing Date: April 30, 2009
Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. The USACM Trust seeks to disallow your claim because the
USACM Trust contends that Claim No. 10725-02484 is partially based upon an**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 investment in USA Capital Diversified Trust Deed Fund (“DTDF”) and was
2 therefore filed in the wrong debtor case.

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
6 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP
7 CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.

8 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust by and
9 through its counsel, has filed an Objection of USACM Trust to Proof of Claim of Ross
10 Deller Sr As Filed Partially in Wrong Debtor’s Case; Objection of DTDF to Proposed
11 Allowance of Claim (with Certificate of Service) (the “Objection”). The USACM Trust
12 respectfully requests that the Court enter an order pursuant to § 502 of title 11 of the
13 United States Code (the “Bankruptcy Code”) disallowing \$150,000 of your claim against
14 USACM, disallowing any proposed allowance of your claim in the DTDF case, and
15 appropriately allowing you to retain an equity interest in DTDF in the amount of
16 \$144,141.97 as reflected in the books and records of DTDF as of April 13, 2006. The
17 remaining balance of the claim is subject to further objection.

18 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held
19 before the Honorable Linda B. Riegler, U.S. Bankruptcy Court Judge in the Foley Federal
20 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
21 **April 30, 2009, at the hour of 9:30 a.m.**

22 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 30,
23 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND
24 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE
25 HEARD ON THAT DATE.
26

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L A W Y E R S

Copy of the foregoing mailed by first class
Postage prepaid U.S. mail
On March 27, 2009 to:

Ross Deller Sr
4926 Droubay Dr.
Las Vegas, NV 89122

/s/ Carrie Lawrence
Carrie Lawrence